

## REMARKS

Reconsideration of the above-referenced application is respectively requested in view of the above amendments and these remarks. Claims 1 and 3-18 are currently pending.

Claims 1, 3, 7, 8, 13-15, 17 and 18 are rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 6,728,365 B1 to Li et al. Applicants previously described the present invention, the claims and Li, and those statements are incorporated into this Response. In sum, claims 1, 8 and 14 indicate that the data burst message including the overture element is sent to establish the wireless connection between the source mobile unit and the destination mobile unit. Thus, the data burst message and overture element are sent before the wireless connection between the source and destination mobile unit is completed and as a part of establishing the connection. The destination mobile unit uses the overture element extracted from the data burst message to determine whether to establish the wireless connection.

As stated earlier, Li does not disclose the combination of an overture element containing information stating that the source mobile unit desires to establish the wireless connection with the destination mobile unit, that the overture element is combined with the data burst message and that the data burst message together with the overture element are transmitted to the destination mobile unit to establish the wireless connection between the source and the destination. In the Office Action it is stated that Li discloses that the data burst element is sent over the wireless connection between the source and destination mobile units. This is not what is required by the claim that requires that the data burst message and overture element be sent to establish the wireless connection. In other words, Li discloses, as admitted in the Office Action, that the data burst message is sent *over an* established connection between source and destination while the claim requires that the data burst message and overture element be sent *in order to establish the connection*. The difference between Li and the claim is when and how the wireless connection is established. The claim requires that the data burst message and the overture element establish that connection. Applicants respectfully submit that column 17, lines 44-49 of Li states simply states what message is sent, i.e. PATH message or data

burst message, depending on if a traffic channel exists. This does not relate to establishing the wireless connection.

In view of the foregoing, Applicants respectfully submit that the claimed data burst message including an overture element where the overture element contains information from the sender at a source mobile unit indicating that the sender desires to establish a wireless connection with the recipient at a destination mobile unit where the data burst message is transmitted to establish a wireless connection between the source mobile unit and the destination mobile unit. Applicants therefore submit that Li does not anticipate amended independent claims 1, 8 and 14. As claims 3 and 7 depend on claim 1, claim 13 depends on claim 8 and claims 17 and 18 depend on claim 14, Applicants respectfully submit that these dependent claims are not anticipated by Li for the same reasons. Applicants request that this rejection under Section 102(e) be withdrawn.

Claims 4-6, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li in view of United States Patent No. 6,088,589 to Valentine et al. As claims 4-6 and 9-10 depend upon claims 1 which is patentable over claims 1 and 8 as described above, Applicants respectfully submit that the these dependent claims are patentable over the cited combination for the reasons given. Applicants therefore request that the rejection under Section 103(a) be withdrawn.

Claims 11 and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Li in view of Valentine and further in view of United States Patent No. 6,018,668 to Schmidt. Claims 11 and 12 depend upon claim 8, which is patentable over Li as described. Applicants therefore respectfully submit that dependent claims 11 and 12 are patentable over the cited combination for the reasons given above with respect to the rejection for claim 8 being anticipated by Li. Applicants therefore request that this rejection under Section 103(a) be withdrawn.

Claim 16 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Li in view of Schmidt. Claim 16 depends upon amended claim 8, which is patentable over Li. Applicants therefore respectfully submit that dependent claim 16 is patentable over the cited combination for the reasons given above with respect to the rejection for claim 8 being anticipated by Li. Applicants therefore request that this rejection under Section 103(a) be withdrawn.

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As the Applicants have overcome all substantive rejections and objections given by the Examiner and have complied with all requests properly presented by the Examiner, the Applicants contend that this Amendment, with the above discussion, overcomes the Examiner's objections to and rejections of the pending claims. Therefore, the Applicants respectfully solicit allowance of the application. If the Examiner is of the opinion that any issues regarding the status of the claims remain after this response, the Examiner is invited to contact the undersigned representative to expedite resolution of the matter.

Please charge any fees associated herewith, including extension of time fees, to **50-2117**.

Respectfully submitted,  
Harris, John McFarland, et al.

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